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VB

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/436,184	11/08/99	WANDS	J 04930/032001

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EXAMINER

CANELLA, K

ART UNIT

PAPER NUMBER

1642

7

DATE MAILED:

10/04/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/436,184

Applicant(s)

Wands et al

Examiner

Karen Canella

Group Art Unit

1642



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 30 days month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-38 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 1-38 are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 1642

## DETAILED ACTION

### *Election/Restriction*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-9, and 28 drawn to a method for diagnosing, prognosticating a malignant neoplasm and a method for killing tumor cells comprising the use of an antibody directed against the HAAH polypeptide, classified in class 530, subclasses 388.1, 388.85, and 391.1.
  - II. Claims 10-15, drawn to a method of inhibiting tumor growth in a mammal comprising the administration of a compound which inhibits the expression of HAAH, classified, for example, in class 514, subclass 44.
  - III. Claims 16-22, and 37 drawn to a method of inhibiting tumor growth in a mammal comprising the administration of a compound which inhibits the enzymatic activity of HAAH, and a method for screening for compounds which inhibit the enzymatic activity of HAAH, classified in class 435, subclass 183.
  - IV. Claims 23-25, drawn to a method of inhibiting tumor growth in a mammal comprising the administration of a compound which inhibits signal transduction through the IRS signal transduction pathway, classified in, for example, class 530, subclass 300.
  - V. Claims 26 and 27, drawn to a method of inhibiting tumor growth in a mammal comprising the administration of a compound which inhibits the HAAH hydroxylation of a NOTCH polypeptide, classified, for example, in class 530, subclass 395.
  - VI. Claims 29-36, drawn to a monoclonal antibody that binds to an epitope of HAAH, compositions and kits thereof, classified in class 424, subclasses 139.1, 141.1 and 148.1.


Art Unit: 1642

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Canella whose telephone number is (703) 308-8362. The examiner can normally be reached on Monday through Friday from 8:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa, can be reached on (703) 308-3995. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Karen A. Canella, Ph.D.

Patent Examiner, Group 1642

September 27, 2000



ANTHONY C. CAPUTA  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1600



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Order of re-scan issued on .....